

1 PHILLIP A. TALBERT
United States Attorney
2 ANTONIO J. PATAKA
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, CA 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099
5
6 Attorneys for Plaintiff
United States of America

7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13
14 v.
15 BASILIO CHAVEZ, JR.,
16
17 Defendants.

CASE NO. 1:20-CR-00027-JLT-SKO
STIPULATION AND ORDER TO VACATE
STATUS CONFERENCE AND SET TRIAL DATE

16 Plaintiff, the United States, by and through its counsel of record, and the defendants, by and
17 through their counsel of record, hereby stipulate as follows:

- 18 1. By previous order, this case was set for status conference on December 21, 2022, and time under
19 the Speedy Trial Act was excluded from September 21, 2022, through December 21, 2022,
20 inclusive, pursuant to 18 U.S.C. § 3161(h)(7)(A) and B(iv).
21
22 2. The parties now stipulate and request that the status conference be vacated, and a trial date be
23 scheduled July 11, 2023, at 8:30 a.m. This is the earliest available date to ensure continuity of
24 defense counsel and allow sufficient time for trial preparation and further defense investigation.
25 The defendant moves to exclude time from December 21, 2022, through July 11, 2023, inclusive,
26 under 18 U.S.C. § 3161(h)(7)(A) and B(iv).
27
28 3. The parties stipulate and request that the Court make the following findings:

- a. The government has produced discovery to defense counsel and made other items available for inspection and copying. The government will timely produce supplemental discovery, if any, that comes into its possession as it prepares for trial.
 - b. Defense counsel desires additional time to complete their review of the discovery, perform additional investigation, conduct legal research, conduct plea negotiations, prepare pretrial motions, and otherwise prepare for trial.
 - c. Defense counsel believes that failure to grant the above-requested continuance will deny them necessary and reasonable time for effective preparation.
 - d. Based on the above findings, the ends of justice served by continuing the trial as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
 - e. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the period of December 21, 2022, through July 11, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and B(iv) because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.
4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional periods are excludable from the period within which trial must commence.

IT IS SO STIPULATED.

1 Dated: December 9, 2022

PHILLIP A. TALBERT
United States Attorney

2
3 /s/ Antonio J. Pataca
ANTONIO J. PATACA
Assistant United States Attorney

4
5
6 Dated: December 9, 2022

/s/ Barbara O'Neill
BARBARA O'NEILL
Counsel for Defendant
Basilio Chavez, Jr.

7
8
9 **ORDER**

10 IT IS SO ORDERED.

11
12
13 DATED: 12/9/2022

Sheila K. Oberto
THE HONORABLE SHEILA K. OBERTO
UNITED STATES DISTRICT JUDGE